

FILED - USDC -NH
2024 MAY 22 AM 11:00

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE**

Michael Sean Speight

V.

Civil No. **1:24-cv-00055**
Chief Judge Landya B. McCafferty

Amanda Kaelblein
Michael Kaelblein
Nancy Kaelblein
George Phelan
Eric Stephan
George Phelan (personal capacity)
Eric Stephan (personal capacity)

**MOTION FOR DEFAULT JUDGMENT AGAINST AMANDA KAELEBLEIN,
MICHAEL KAELEBLEIN, AND NANCY KAELEBLEIN UNDER RULE 55 (a)
FOR FAILURE TO STATE A DEFENSES AND OBJECTION .**

Now comes the Plaintiff, requesting this Honorable Court, allow this motion for Default Judgment against these three defendants for failure to respond in 21 days after being served with this complaint. These three defendants were served on April 23-24, 2024.

The plaintiff even gave the defendants **28** days before filing this motion.

1. The plaintiff respectfully requests any answer submitted be struck.
2. The plaintiff moves for a conference of parties to develop a discovery plan for Default Judgment.
3. Furthermore, since there was no response from the defendants, there was no Objection to the Motion for a mental health evaluation on the minor child filed on May 18,2024 should be allowed.

- a. Plaintiff will supply a psychologist and date and time for defendants to bring minor child to appointments at no cost to them. If it is a virtual hearing because the parental alienation expert is not local at the time of hearing Plaintiff will set up a place where none of the defendants will be allowed in room during the session.

For the following reasons this motion should be granted, with all relief requested.

Date 5/22/24



Michael Speight
100 Main St. #106
Pembroke, NH 03275
(978) 684-2496

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**MEMORANDUM OF LAW IN SUPPORT MOTION FOR DEFAULT
JUDGMENT AGAINST AMANDA KAELEBLEIN, MICHAEL KAELEBLEIN,
AND NANCY KAELEBLEIN UNDER RULE 12 DEFENSES AND
OBJECTION**

Under **Rule 55 (a) ENTERING A DEFAULT. When a party against whom a judgment for affirmative relief is sought has failed to plead or otherwise defend, and that failure is shown by affidavit or**

otherwise, the clerk must enter the party's default.

Under Rule 12 (1) *In General*. Unless another time is specified by this rule or a federal statute, the time for serving a responsive pleading is

(A) A defendant must serve an answer:

(i) within 21 days after being served with the summons and complaint; or as follows:

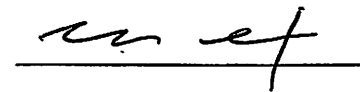
(B) A party must serve an answer to a counterclaim or crossclaim within 21 days after being served with the pleading that states the counterclaim or crossclaim.

(C) A party must serve a reply to an answer within 21 days after being served with an order to reply, unless the order specifies a different time.

The law is clear, Under Rule 12 the defendants had 21 days to reply with a Defense or Objection. The plaintiff gave them **28** days to reply with still no answer, the plaintiff is not requesting summary judgment against the defendants , the plaintiff is requesting for parties to move to the next stage of litigation to move this complaint along in the interest of

justice.

Date 5/22/24

A handwritten signature in black ink, appearing to read "m ef", is written over a horizontal line.

Michael Speight

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AFFIDAVIT IN SUPPORT MOTION FOR DEFAULT JUDGMENT

I DECLARE UNDER PENALTY OF PERJURY THAT THE
FOREGOING INFORMATION IS TRUE AND CORRECT, WITH NO
MEMORANDUM OF LAW NEEDED .

Date 5/22/24



Michael Sean Speight
100 Main Street #106
Pembroke, NH 03275